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*Counsel for Lead Plaintiff Dr. Stanley Golovac
and Lead Counsel for the Class*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

CREIGHTON TAKATA, Individually and on
behalf of all others similarly situated,

Plaintiff,

v.

RIOT BLOCKCHAIN, INC. F/K/A,
BIOPTIX, INC., JOHN O’ROURKE, and
JEFFREY G. MCGONEGAL,

Defendants.

Civil Action No. 3:18-2293 (FLW) (TJB)

**STIPULATION AND ~~PROPOSED~~
ORDER EXTENDING TIME TO FILE
CONSOLIDATED COMPLAINT AND
THE RESPONSE THERETO**

WHEREAS, on February 17, 2018, Creighton Takata (“Takata”) filed a complaint against Riot Blockchain, Inc. f/k/a Bioptix, Inc.; John O’Rourke; and Jeffrey G. McGonegal (collectively, “Defendants”) in the above-captioned case alleging violations of the Securities Exchange Act of

1934 (ECF No. 1);

WHEREAS, this case is governed by the Private Securities Litigation Reform Act of 1995 (the “Reform Act”), 15 U.S.C. §78u-4, *et seq.*;

WHEREAS, on April 3, 2018, the Court approved a Stipulation (the “April Stipulation”) between counsel for Takata and counsel for Defendants that established a schedule for the filing of a consolidated complaint by the court-appointed lead plaintiff and for Defendants’ response thereto (ECF No. 5);

WHEREAS, the April Stipulation provided as follows: (a) the court-appointed lead plaintiff could file a consolidated class action complaint within 60 days following its appointment; (b) Defendants would answer, move, or otherwise respond to the consolidated class action complaint within 60 days of its filing; (c) if the Defendants move to dismiss the consolidated class action complaint, the court-appointed lead plaintiff would have 45 days to respond to the Defendants’ motion, and (d) the Defendants would thereafter have 45 days to file their reply brief in support of their motion to dismiss.

WHEREAS, by Order dated November 6, 2018, and pursuant to the provisions of the Reform Act, the Court appointed Dr. Stanley Golovac (“Dr. Golovac”) as Lead Plaintiff and Motley Rice LLC as Lead Counsel (“Lead Counsel”) (ECF No. 40);

WHEREAS, Dr. Golovac intends to file a consolidated class action complaint in this action;

WHEREAS, Dr. Golovac and Lead Counsel have requested a slight modification of the schedule set forth in the April Stipulation (they have requested an additional ten days for the filing of the forthcoming consolidated complaint to accommodate the upcoming holidays and competing deadlines in other pending matters);

WHEREAS, Defendants are amenable to the scheduling modification requested by Dr. Golovac and Lead Counsel; and

WHEREAS, the parties have agreed upon the following schedule for the filing of a consolidated class action complaint and of any response to the consolidated class action complaint;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by counsel for the parties listed below, that:

1. On or before **January 15, 2019**, Dr. Golovac, as court-appointed Lead Plaintiff, shall serve and file a consolidated class action complaint, subject to any further Orders of this Court.

2. On or before **March 18, 2019**, Defendants shall answer or otherwise respond to the consolidated class action complaint, subject to any further Orders of this Court.

3. If Defendants serve dispositive motions with respect to the consolidated class action complaint, then: (i) Dr. Golovac shall serve his opposition papers on or before **May 2, 2019**; and (ii) Defendants shall serve their reply papers on or before **June 17, 2019**.

4. By entering into this stipulation, Defendants do not waive any defenses that otherwise could be asserted through a motion pursuant to Fed. R. Civ. P. 12 or otherwise.

DATED: December 3, 2018

Respectfully submitted,

LITE DEPALMA GREENBERG

/s/ Joseph J. DePalma

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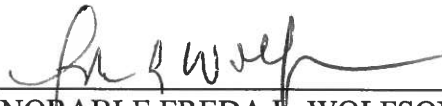
PAUL HASTINGS LLP

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*Counsel for Defendants Riot Blockchain, Inc. f/k/a
Bioptix, Inc., John O'Rourke, and Jeffrey G.
McGonegal*

SO ORDERED this 4th day of December, 2018.


HONORABLE FRED A. WOLFSON
United States District Judge